

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.23038 OF 2002

DATED:27-10-2006

BETWEEN

G.Kalpana

... Petitioner

and

The Principal Secretary to Government, Revenue (Registration-I)
Department, Secretariat Buildings, Hyderabad and others.

... Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.23038 OF 2002

ORDER:

The petitioner filed the instant writ petition seeking a Writ of Mandamus to declare the notification issued by the Government vide G.O.Ms.No.578, dated 19.08.2000, under Section 22-A of the Registration Act, 1908 as amended by Registration (A.P.Amendment) Act, 1999, as unconstitutional and ultra vires. The petitioner also seeks a consequential direction to respondents to register and release the documents presented by her in respect of land admeasuring 375.94 square yards in survey No.275/1D and plot No.14 of Adivivaram village, Visakhapatnam District.

In **State of Rajasthan v Basant Nahata**^[1], the Supreme Court struck down the provision in Registration Act as amended by the State of Rajasthan as *ultra vires*. Following the same, a Division Bench of this Court in its Judgment, dated 07.12.2005 in W.P.No.14099 of 2003 and batch struck down Section 22-A of the Registration Act as applicable in State of Andhra Pradesh. It is also brought to the notice of this Court that Special Leave Petition filed by the State Government against the said Judgment was also dismissed by the Supreme Court on 11.08.2006. Therefore, the impugned notification cannot be sustained.

Following the Judgment of the Division Bench, this writ petition is disposed of, and the impugned notification No.578, dated 19.08.2000, is set aside. As and when the documents are presented by the petitioner, the Registering Authority shall accept the same for registration and if for any reasons, the same cannot be registered, record and furnish the reasons.

The writ petition, subject to the above observations, is accordingly disposed of. No costs.

(V.V.S.RAO,J)

27.10.2006
pln

[\[1\]](#) (2005) 12 SCC 77 = 2005 AIR SCW 4456